

## **Public Notice**

Applicant:

Date:

G.T. Resources, Incorporated, and Marc/Equity Marrano Corporation

Published: May 12, 2004 Expires: June 12, 2004

U.S. Army Corps of Engineers

In Reply Refer To:

Buffalo District CELRB-TD-R RE: 2002-02289(1) Section: NY 404

> Application for Permit under Authority of Section 404 of the Clean Water Act (33 U.S.C. 1344).

G.T. Resources, Incorporated, and Marrano Marc/Equity Corporation, 2730 Transit Road, West Seneca, New York 14224, are proposing to impact waters of the United States (U.S.) for the construction of a residential housing development. The project site is located north of and adjacent to Rice Road, Town of Elma, Erie County, New York.

The project will impact a total of 3.5 acres of Federal wetland. The project occupies 62 acres of a 222 acre parcel. One Federal jurisdictional pond and sixteen Federal wetlands were identified within the 62 acre development area. Twelve and one-quarter (12 1/4) acres of Federal wetlands in addition to the 4 1/4 acre pond are located within the 62 acre development area.

In order to mitigate for the permanent loss of 3.5 acres of wetlands, G.T. Resources Inc. and Marrano Marc/Equity Corp. propose to create and enhance wetland areas on the site, and also preserve upland and wetland areas. In addition, they will preserve uplands surrounding the proposed mitigation wetlands. A total of approximately 5.35 acres of varied wetland habitat will be newly created within the upland old The creation will consist of a mixed wet meadow, field habitat. scrub/shrub, emergent marsh, and open water habitat. The remaining 160 acre parcel which is adjacent to the development parcel, will be preserved as green space and will provide a buffer for the created In addition, approximately 1.85 acres of emergent marsh, submergent marsh and deep water habitat will be created, and enhanced within the existing 4.25 acre pond in the development area. combined mitigation project being proposed will enhance amphibian breeding habitat, waterfowl habitat, and fisheries habitat.

In addition to the currently proposed project plans shown on Sheets 1 - 10 of 18, the applicant has provided project alternatives on Sheets 11 - 13, and has provided a progression of plans showing minimization of wetland impacts on Sheets 14 - 18.

Location and details of the above described work are shown on the

attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Martin H. Crosson, who can be contacted by calling (716) 879-4346, or by e-mail at: martin.h.crosson@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, and should be marked to the attention of Martin H. Crosson, or by e-mail at: martin.h.crosson@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the

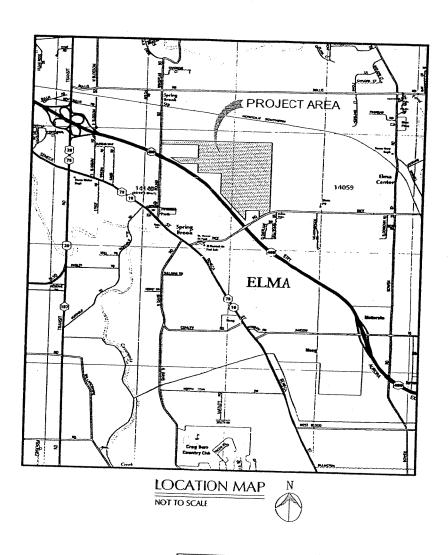
preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SIGNED

Thomas C. Switala Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

# SPRINGBROOK SHORES RICE ROAD TOWN OF ELMA, NEW YORK

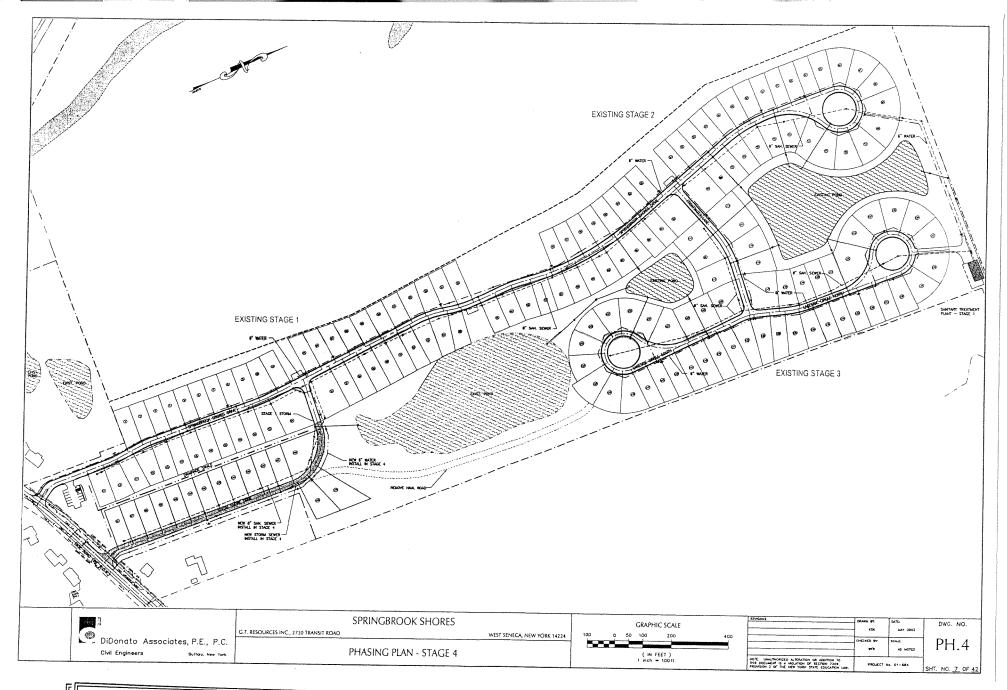


G.T. RESOURCES INC. AND MARRANO MARC/EQUITY CORP.

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Erie County, New York Quad: ORCHARD PARK Sheet 1 of 20

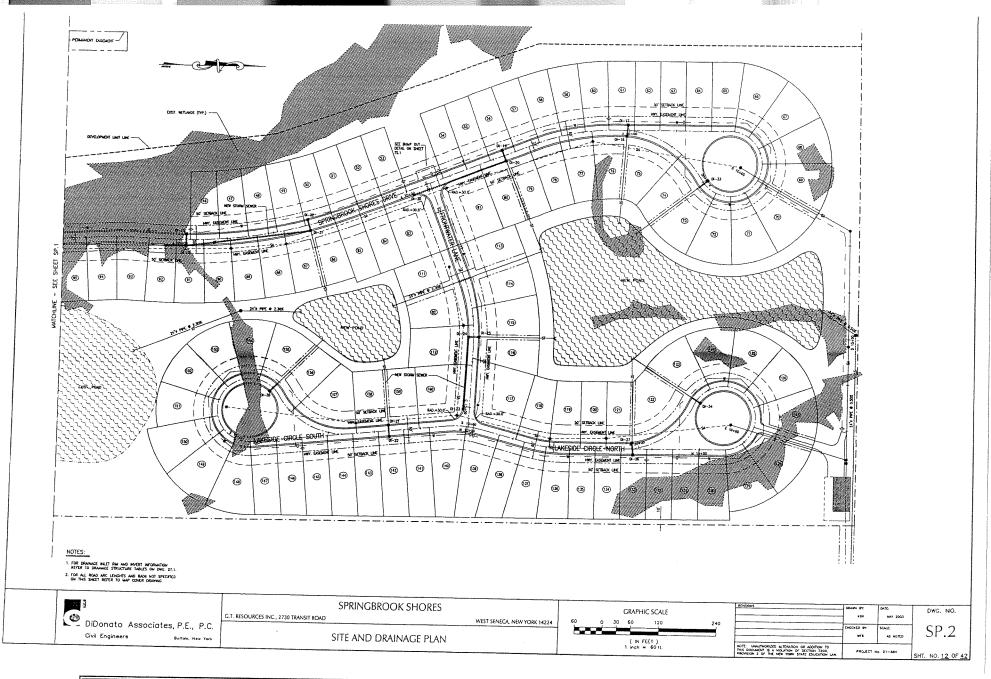
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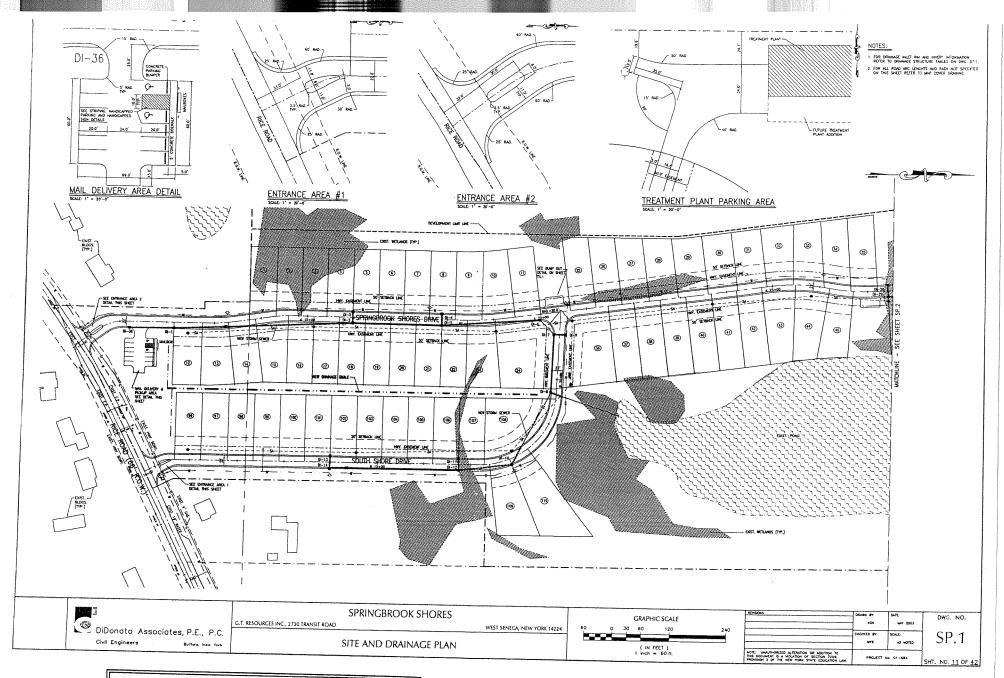
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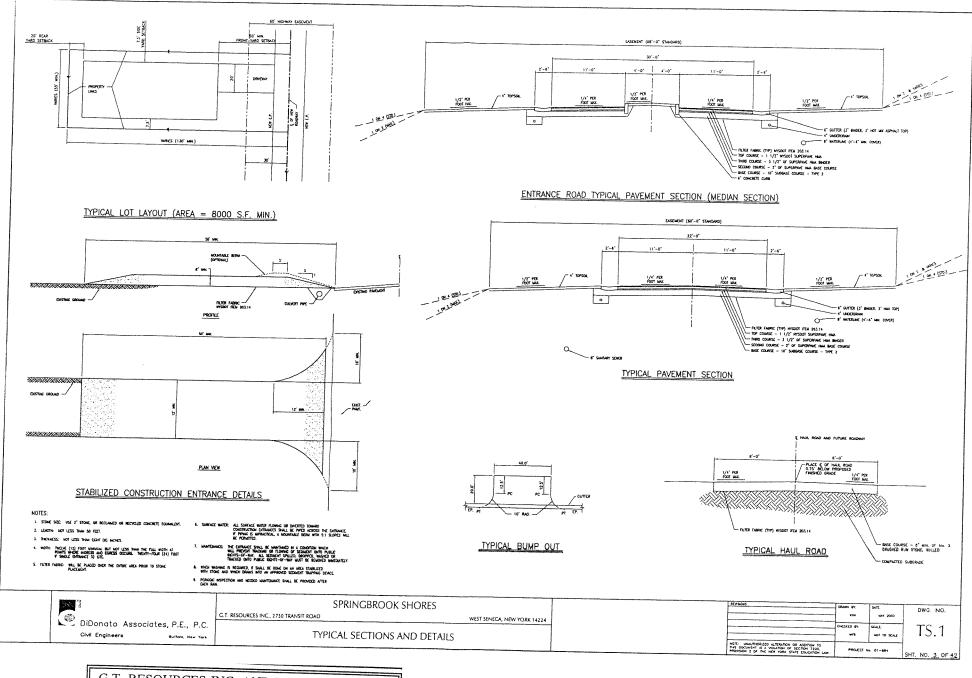


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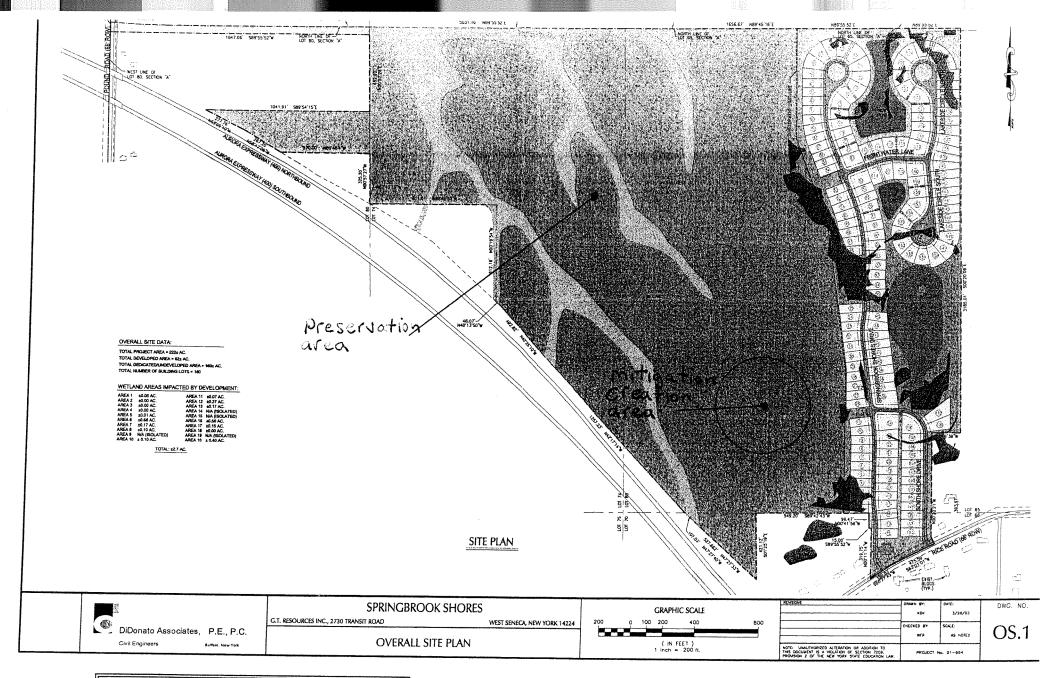
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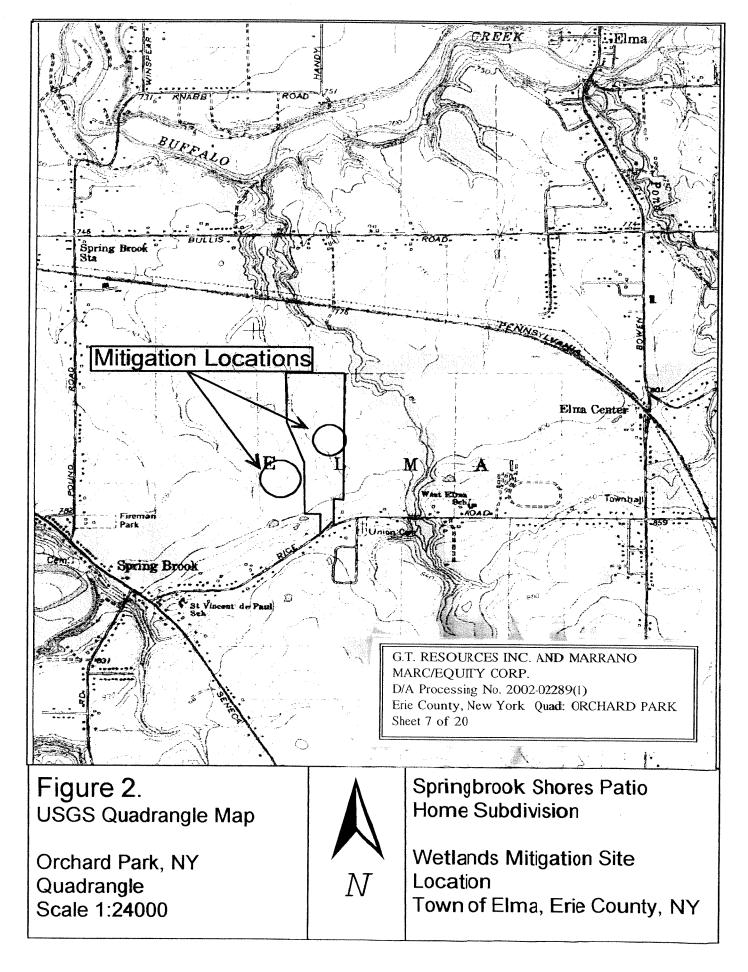


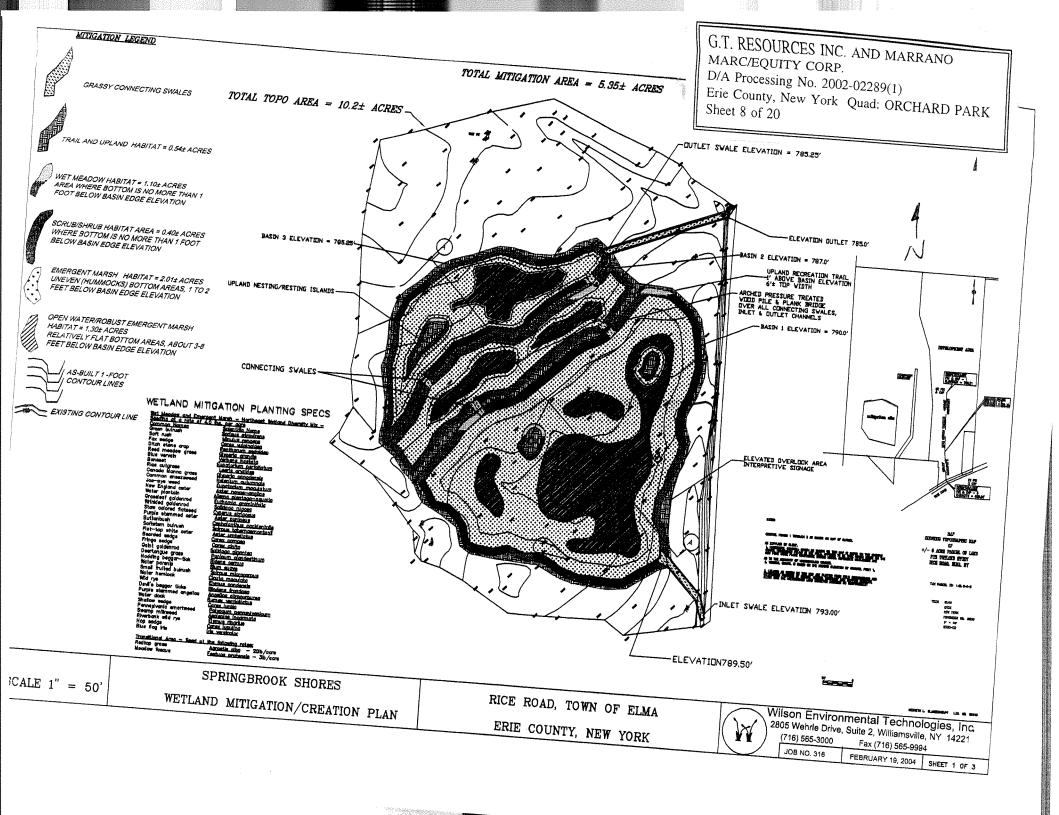
G.T. RESOURCES INC. AND MARRANO MARC/EQUITY CORP.

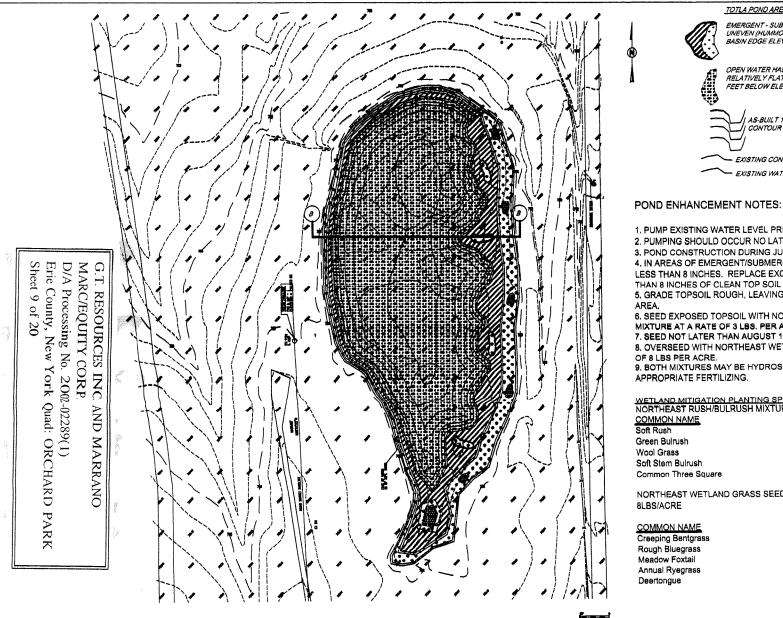
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Erie County, New York Quad: ORCHARD PARK

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TOTLA POND AREA = 4.25± ACRES

EMERGENT - SUBMERGENT MARSH HABITAT = 1.85± ACRES UNEVEN (HUMMOCKS) BOTTOM AREAS, 1 TO 2 FEET BELOW BASIN EDGE ELEVATION

FEET BELOW ELEVATION

OPEN WATER HABITAT = 2.40± ACRES RELATIVELY FLAT BOTTOM AREAS, ABOUT 3-10

AS-BUILT 1 -FOOT CONTOUR LINES

> EXISTING CONTOUR LINE EXISTING WATERS EDGE

1, PUMP EXISTING WATER LEVEL PRIOR TO EXCAVATION.

2. PUMPING SHOULD OCCUR NO LATER THAN JULY OF CONSTRUCTION YEAR

3. POND CONSTRUCTION DURING JULY, NO LATER THAN AUGUST.

4. IN AREAS OF EMERGENT/SUBMERGENT MARSH OVEREXCAVATE BY NOT LESS THAN 8 INCHES. REPLACE EXCAVATED MATERIAL WITH NOT LESS THAN 8 INCHES OF CLEAN TOP SOIL MATERIAL.

5. GRADE TOPSOIL ROUGH, LEAVING IRREGULATIES OVER ENTIRE TOPSOIL AREA.

6. SEED EXPOSED TOPSOIL WITH NORTHEAST WETLAND RUSH/BULRUSH MIXTURE AT A RATE OF 3 LBS. PER ACRE.

7. SEED NOT LATER THAN AUGUST 15TH YEAR OF CONSTRUCTION.

8. OVERSEED WITH NORTHEAST WETLAND GRASS SEED MIXTURE AT A RATE OF 8 LBS PER ACRE.

9. BOTH MIXTURES MAY BE HYDROSEEDED AND HYDROMULCHED WITH APPROPRIATE FERTILIZING.

WETLAND MITIGATION PLANTING SPECS NORTHEAST RUSH/BULRUSH MIXTURE SEED AT A RATE OF 3LBS/ACRE

COMMON NAME SCIENTIFIC NAME Soft Rush Juncus effusus Green Bulrush Wool Grass Soft Stem Bulrush Scripus validus Common Three Square Scripus pungens

NORTHEAST WETLAND GRASS SEED MIXTURE SEED AT A RATE OF 8LBS/ACRE

COMMON NAME Creeping Bentgrass Rough Bluegrass Meadow Foxtail Annual Ryegrass Deartongue

SCIENTIFIC NAME Agrostis stolonifera Poa trivialis

Alopecurus arundinaceus Lolium multiflorum Panicum clandestinum

RICE ROAD, TOWN OF ELMA

ERIE COUNTY, NEW YORK

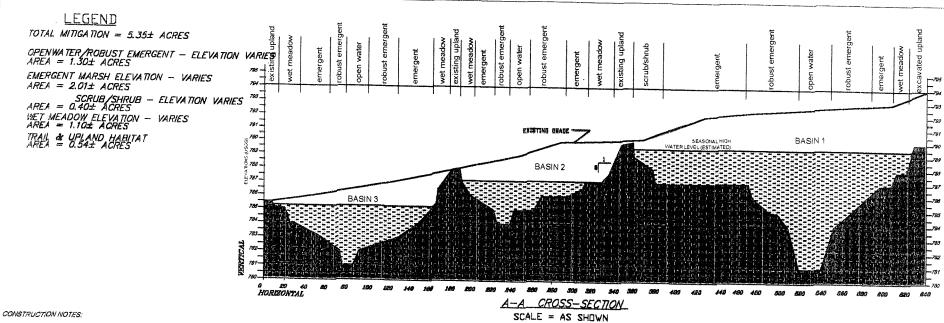
Wilson Environmental Technologies, Inc. 2805 Wehrle Drive, Sulte 2, Williamsville, NY 14221 (716) 565-3000 Fax (716) 565-9994

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SCALE 1'' = 50'

SPRINGBROOK SHORES POND ENHANCEMENT



- 1. ALL EXCAVATED AREAS TO BE OVEREXCAVATED BY 8" TO BE REPLACED WITH TOPSOIL.
- 2. FINAL GRADES SHALL BE IRREGULAR AS DIRECTED BY WETLANDS CONSULTANT.
- CONSULTATION

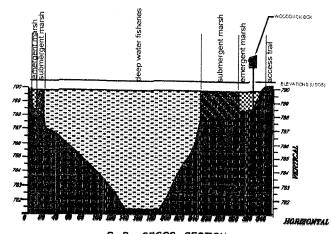
  3. UPLAND HABITAT AREAS TO REMAIN AT EXISTING GRADE ELEVATION.

  4. SEEDING TO BE DONE IN ACCORDANCE WITH SHEETS 1 AND 2 PLAN VIEW CONSTRUCTION DRAWINGS.
- 5. ALL APPROPRIATE EROSION CONTROLL METHODS TO BE APPLIED DURING CONSTRUCTION.
- 6. SIDE SLOPES OF CONNECTING SWALES SHALL BE NO STEEPER THAN 5:1. OTHER SLOPES SHALL APPROACH 8:1.
- 7. POND CONSTRUCTION SLOPES 6 TO 8 PERCENT IN
- EMERGENT'SUBMERGENT MARSH HABITAT. DEEP WATER SLOPES AT 3:1. 8. FISHERIES HABITAT TO HAVE STRUCTURES (STUMPS-SUBMERGED LOGS), SCATTERED ALONG BOTTOM FOR HABITAT FEATURES.

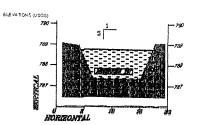
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B-B CROSS-SECTION SCALE = AS SHOWN



TYPICAL SWALE SECTION SCALE = AS SHOWN

CROSS SECTIONALS

SPRINGEROOK SHORES PATIO HOME SUBDIVISION WETLAND MITIGATION/CREATION PLAN

RICE ROAD TOWN OF ELMA ERIE COUNTY, NEW YORK



Wilson Environmental Technologies, Inc. 2805 Wehrle Drive, Suite 2, Williamsville, NY 14221 (716) 565-3000

JOB NO. 316

Fax (716) 565-9994

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#### ALTERNATIVE DEVELOPMENTS STUDIED

Exhibit "A" - typical subdivisions with maximum permitted density

Exhibit "B" - five-acre parcels

Exhibit "C" - patio-home lots clustered for maximum open area and passive recreation

#### Analysis:

Exhibit "A" – A typical subdivision designed to maximize the number of lots created the greatest negative impact to wetlands, Town services and the local school system. This plan was not desired by Town or residents and was inconsistent with the Town's desire to maintain its rural character.

Exhibit "B" — A development of five-acre parcels would reduce negative impacts compared to a typical subdivision but yields an expensive product affordable to only those families in the highest income brackets. Town roads requiring taxpayer maintenance and a high percentage of school aged children per unit created negative impacts to both highway and school budgets. Five-acre parcels have been readily available in Elma, however, the product does not reach an underserved market seeking quality affordable housing combined with a high percentage of maintained open space.

Although wetland impacts could be reduced by restrictions on a per lot basis, there is no ability to effectively monitor future wetland impact by owners of 5-acre parcels. Neither the 5-acre plan nor the typical subdivision will serve the market identified or create the large preserved open area desired.

Exhibit "C" – The clustering of patio home lots onto 25% (60-acres) of the project area creates the maximum amount of open area (75% or 180 acres) and greatest reduction in negative impacts to wetlands and Town/school budgets. It is consistent with municipal objectives to maintain rural character and because roads are private, there is no impact to highway maintenance budgets. Because patio home developments are substantially occupied by empty nesters, this plan has the least impact to schools.

The open area will be restricted from development and perpetually preserved by legally accepted conveyance wherein land set aside as preservation area shall not be altered.

The most significant positive impact to wetland areas is that the Homeowners Association filed with the NYS Attorney General provides a legally enforceable mechanism for the budgeting and funding necessary to maintain preservation areas and habitats.

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### REDUCTION OF WELAND IMPACTS Exhibit D. E & F

The clustered plan (Exhibit "C") was chosen because it meets the objectives of the development, the municipality and offers the least impact to wetlands. Enclosed exhibits "D, E & F" show progressive lot configuration revisions to reduce wetland impacts.

### **NO BUILD/ ALTERNATIVE SITE ANALYSIS**

There are few if any other large sites for sale in Elma with availability to utilities and proximity to the Rt. 400 where 180 acres can be preserved while still providing a location acceptable to the marketplace. Project studies began in April, 2001. Substantial capital costs that have been expended on engineering, wetland delineation, archeological testing and surveying have eliminated a no-build option. This specific site meets all the requirements necessary to create Western New York's largest open are residential development.

#### **EXHIBITS**

#### **ALTERNATIVE DEVELOPMENT EXHIBITS**

"A" Maximum density

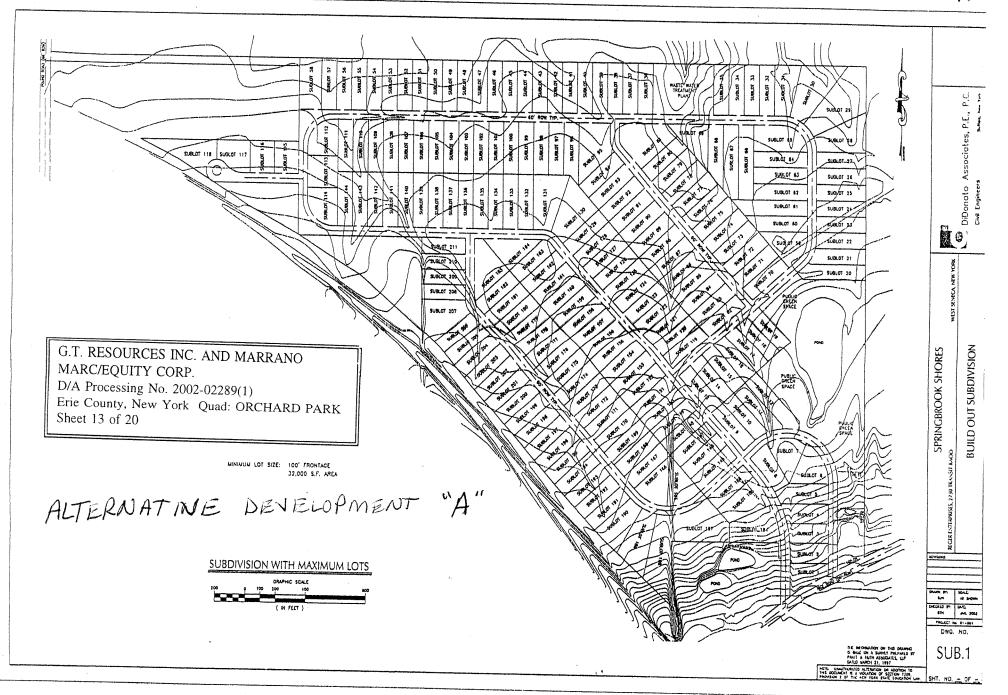
"B" Five-acre parcels

"C" Patio home with open space

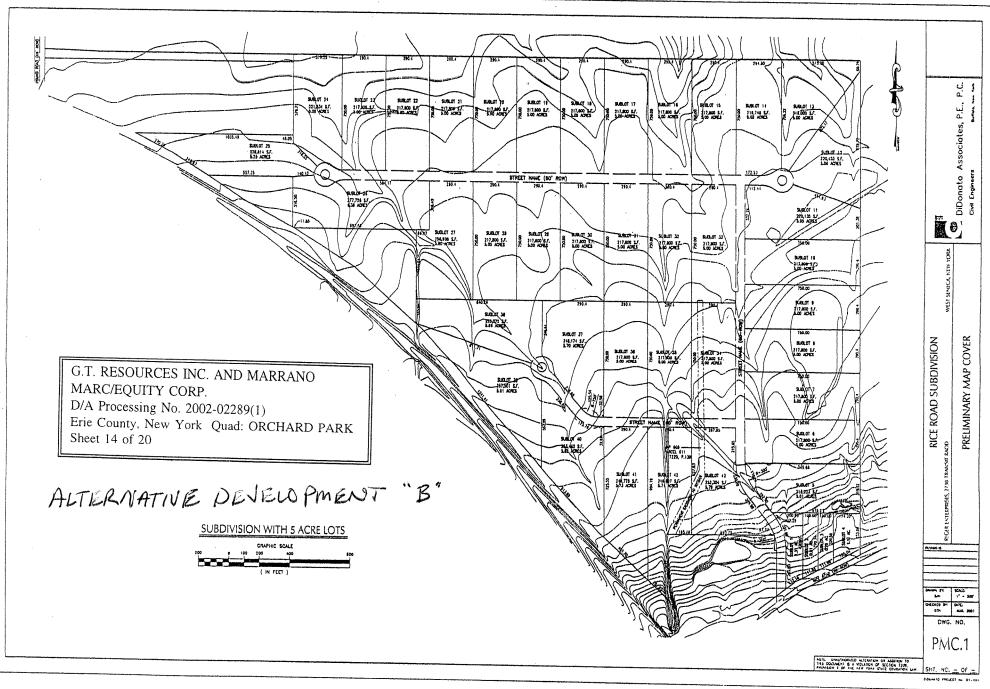
IMPACT REDUCTION EXHIBITS

"D" through "J"

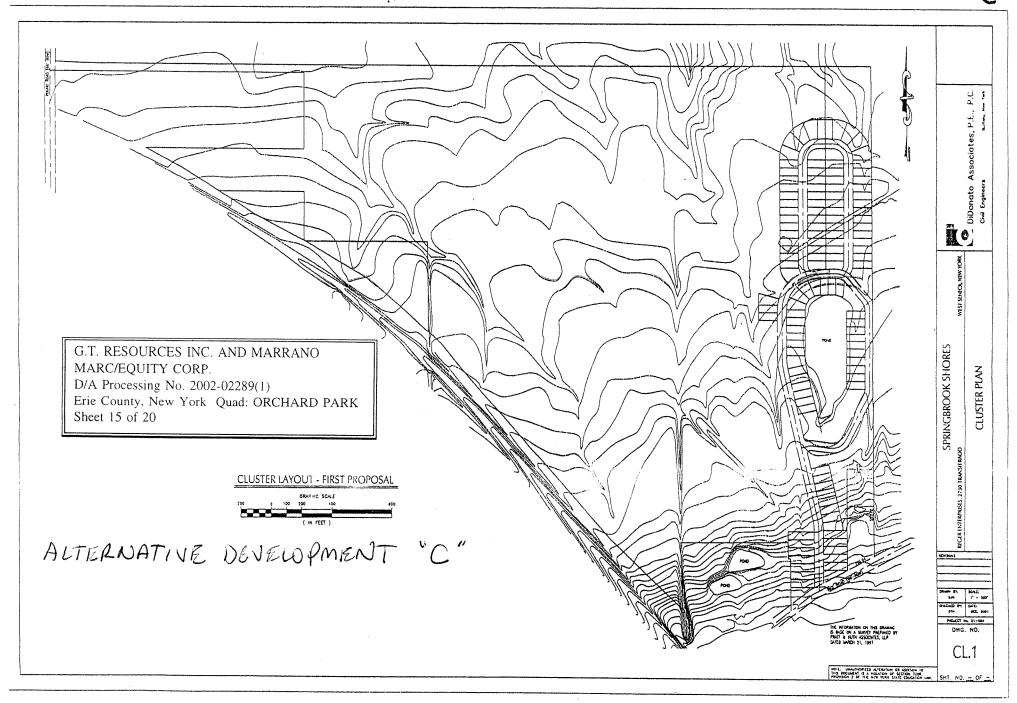
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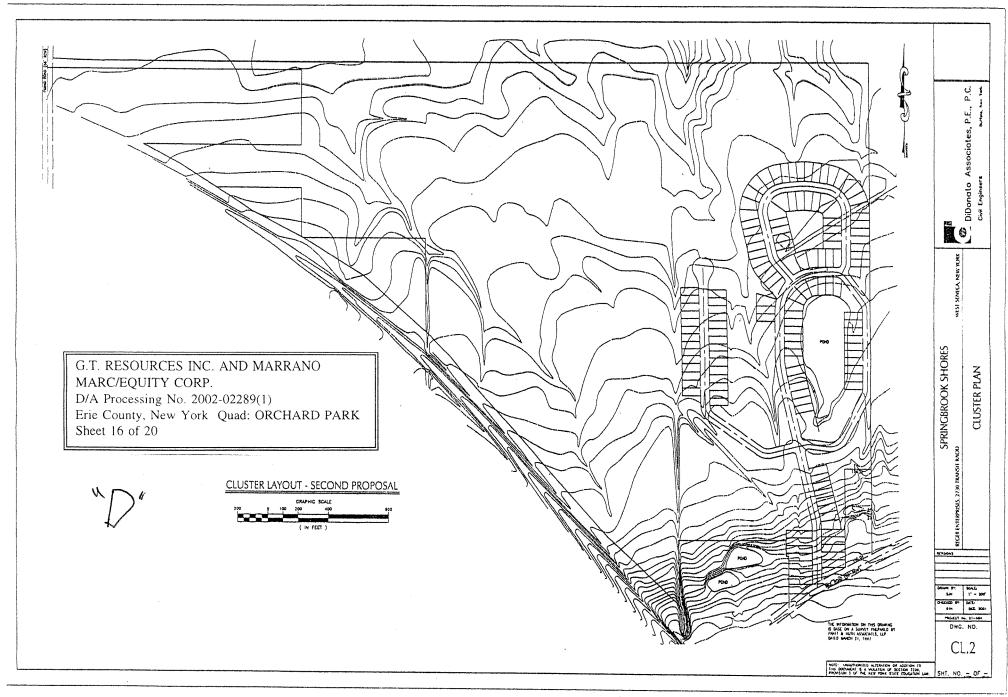


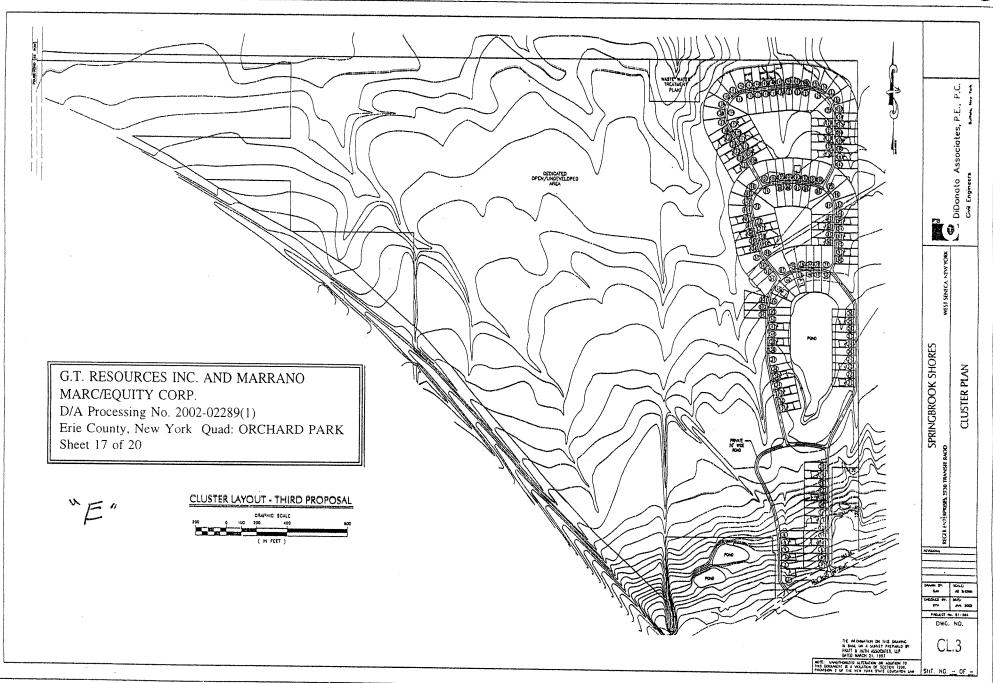
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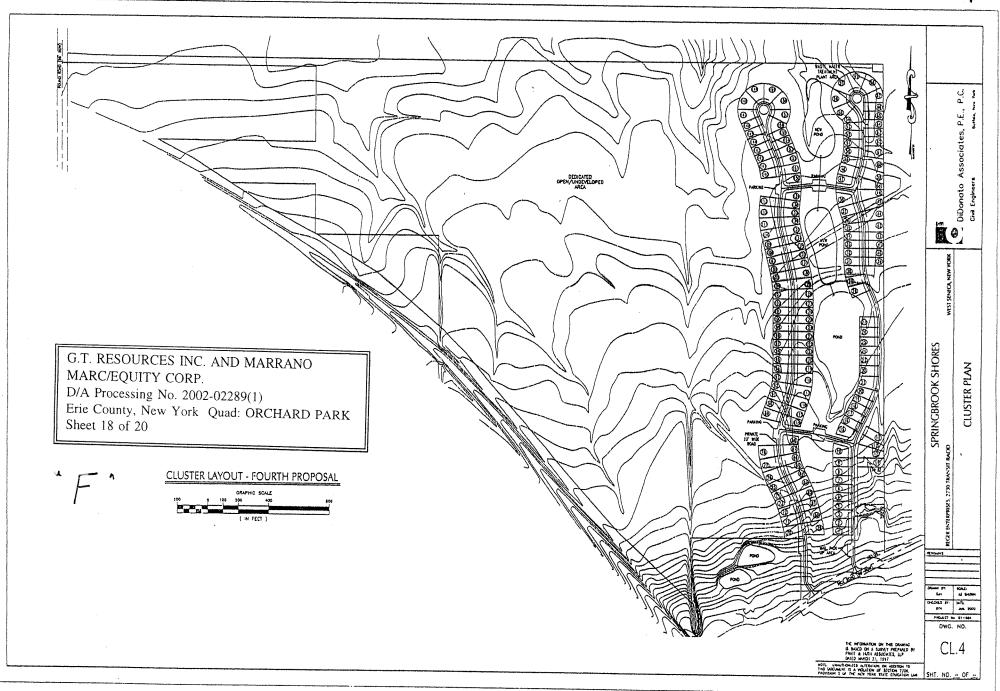
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